

Admitted  
 U.S. Supreme Court  
 U.S. Courts of Appeals  
 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> 5<sup>th</sup>, 9<sup>th</sup> & 10<sup>th</sup>  
 U.S. District Courts  
 S.D.N.Y., W.D.N.Y.  
 E.D.N.Y., N.D.N.Y.  
 D. Md., W.D. Tex., N.D. Tex.  
 D. Colorado W.D. Okla.  
 State Courts  
 New York Colorado

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February 28, 2025

Hon. Katherine Failla  
 U.S. District Judge  
 Southern District of New York  
 40 Foley Square  
 New York, NY 10007

Re: Johnson v. Clearview AI, et al., 23-cv-02441

Your Honor,

I apologize for the lateness of this filing, however, I wished to confirm with my client that he wished the below to be his response to the filing of Mr. Giller, ECF No. 75.

My client communicated as follows after I forwarded to him the subject letter:

I am in California dealing with family matters.

Please instruct the court to speak with Alexander Rodriguez if they require other elaboration. (202) XXX-XXXX

We are happy to come in late March or early April if the judge warrants it. I did not agree to be gagged and being gagged in perpetuity and my desire to help the public should be given weight. Punishing the speech of whistleblowers is how stock frauds are allowed to happen. In the Wirecard and Theranos frauds company insiders were threatened with litigation.

It has since come out that Clearview.AI has admitted that the company has struggled with federal contracts—just as I said to the public.

I said at the time in front of your honor that the lawyers were not in fact their lawyers but representing another party. We now know that that is Mr. Lambert.

Its new CEO, who is suing Mr. Johnson in a separate matter, is Hal Lambert who runs the MAGA ETF, which was built along with Clearview with Chinese coders. He is seemingly using Clearview.AI resources to pursue a separate legal matter.

This raises the question of a shareholder lawsuit against Mr. Lambert directly now that he is directing company resources.

Mr. Johnson is well within his rights to warn would be investors about the Clearview.AI scam to which the public might fall victim. Mr. Johnson is a whistleblower.

The Court should be advised that I was not aware of Mr. Johnson's posting until after it first appeared.

Nevertheless, I believe that issues of Mr. Johnson's rights under the First Amendment, and as a shareholder in Clearview. AI do provide him with a right to make certain statements regarding this litigation, and the manner in which Clearview is being

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managed. I believe that these factors should be considered in any determination by the Court as to any sanctions (if any) that should be imposed.

The Court should also take cognizance of the fact that the number of persons viewing Mr. Johnson's published statements is a minuscule fraction of the other published reports relating to Clearview's management in such online locations as Bloomberg, Reuter, CNBC, and other such sites.

Respectfully submitted,

/s/ Bernard V. Kleinman  
Bernard V. Kleinman  
Attorney for Counter-Defendant JOHNSON

cc: All parties via ECF  
C. Johnson